

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DOUGLAS STEWART CARTER,

Petitioner,

vs.

STEVEN TURLEY, Warden, Utah State
Prison,

Respondent.

MEMORANDUM DECISION AND
ORDER

Case No. 2:02-CV-326 TS

This matter came before the Court for a status conference and hearing on Petitioner's Motion for Extension of Time and Petitioner's oral Motion seeking an order authorizing his counsel to pursue representation of Petitioner in a pending post-conviction relief proceeding pending in state court.

Respondent takes no position on the oral Motion. Based upon the representations of counsel for Petitioner, Respondent, and the Crime Victim's Representative, the Court finds as follows: Petitioner's counsel is currently the counsel most familiar with Petitioner's case. Petitioner's counsel will be compiling a complete record of all prior proceedings involving Petitioner and will be familiar with all issues related to his case. The pending state post-conviction proceedings constitute significant litigation directly related to this

proceeding under 28 U.S.C. § 2254. Allowing Petitioner's counsel to seek to also represent Petition in the state proceeding would further the efficient and expeditious resolution of this federal proceeding. It is therefore

ORDERED that the oral Motion is GRANTED and the Court authorizes the Federal Public Defender for the District of Arizona, Petitioner's present federal habeas counsel, to seek to undertake the representation of petitioner in his pending state post-conviction proceedings. This authorization does not implicate 18 U.S.C. § 3599 and the Court does not authorize payment pursuant to § 3599 to said counsel related to any appointment that may be made in state court. The Court is not directing current local counsel, Mr. Mauro, in this federal §2254 case to also seek to serve as local counsel in the pending state post-conviction proceedings and does not authorize payment of federal funds to him pursuant to his appointment in this case for any services as local counsel in the state court proceedings. It is further

ORDERED that the above granted authority does not in any manner resolve or limit the pending Motion to Lift Stay. It is further

ORDERED that Petitioner's Motion for Extension of Time (Docket No. 258) is GRANTED and Petitioner is granted 60 days from the entry of this order to file his Response. Said response shall include a statement of the status of the state court petition.

DATED June 12, 2008.

BY THE COURT:



TED STEWART
United States District Judge